

REMARKS

Item 1. Applicant acknowledges that the substitute specification has now been entered into the record.

Item 2. Applicant acknowledges that the word “limited” on page 4, line 27 appears in the Clean version but that this correction was not shown in the Marked-Up version of the application. Applicant also acknowledges that the amendments to the specification filed March 20, 2008 were submitted merely to show the intended changes contained in the substitute specification.

Item 3. Applicant acknowledges that the recitation “SANH/PBS” on page 6, line 18 should read “SANH/DMSO/PBS”. Accordingly Applicant has amended the specification to correct this obvious error. In view of this amendment Applicant respectfully requests that the new matter rejection be withdrawn.

Claim 5 has been amended to replace the term “L¹” with “L”. Support for this amendment can be found in the original claim 5 as filed. In addition, the term “methyl” for R¹ and R² have been deleted as requested by the Examiner.

Claim 6 has been amended to independent form by incorporating the limitations of claim 5 and the phrase “a saturated or” has been reinserted now that claim 6 is independent.

Applicant believes that the amendments to the specification and the claims do not add new matter to the application.

PATENTABILITY ARGUMENTS

Response to Rejections under 35 U.S.C. §112 second paragraph

Item 4. The Examiner has rejected claims 5, 6, 49 and 52 under 35 U.S.C. §112 first paragraph as failing to comply with the written description requirement. More particularly, the Examiner states that there is no original disclosure supporting the recitation in claim 5 that R¹ and R² can be methyl and that the single species recited in claim 7 is insufficient to support the scope of generic claim 5. Applicant disagrees but has amended claim 5 removing the word methyl under R¹ and R².

Item 5. The Examiner rejects claims 5, 6, 49 and 52 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the specification because in claim 5 the same variable L is given two different definitions. Applicant acknowledges that “L¹” and “L” appear in claim 5. This is an obvious scrivener’s error and “L¹” should have been “L”. Correspondingly, Applicant has amended the claim 5 by replacing “L¹” with “L”.

Item 6. The Examiner objects to claim 6 stating that it is broader in scope than the claim from which it depends and is therefore improper and requests that the Applicant either cancel the claim or rewrite the claim in independent form. Applicant has complied with the Examiner’s request and rewritten claim 6 in independent form.

Item 7. Applicant acknowledges the confusion that resulted from the misspelling in the Examiner’s previous objection. Now that Claim 6 has been rewritten in independent form the phrase “a saturated or” has been reintroduced into the claim.

In view of the above, Applicant respectfully requests that the Examiner issue an allowance of the claims.

SUMMARY

If the Examiner believes that it would facilitate prosecution, Applicant's agent, David B. Waller, may be contacted at (619) 230-7478, or at dwaller@gordonrees.com.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1990 and please credit any excess fees to such deposit account.

Respectfully submitted,

Dated: 

By: 

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